

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

NEW PRIORITY DATE:

Date of filing in State Engineer's Office -AUG-01-2002- JUN-3-2004 FEB 19 2008

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 01 2002

The applicant **ERNESTINE RICH** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **.05 c.f.s.** second feet.
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Commercial Use**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **N/A**
 - (b) Stockwater, state number and kind of animals to be watered **N/A**
 - (c) Other use (describe fully under No. 12. "Remarks") **N/A**
 - (d) Power:
 - (1) Horsepower developed **N/A**
 - (2) Point of return of water to stream **N/A**
5. The water is to be diverted from its source at the following point **Located in the NE¼-NE¼ of Section 28, T.19 N., R.28 E., M.D.B.& M., or at a point from which the N ¼ corner of said Section 28 bears N 56° 35' 00" W a distance of 2190.00 feet.**
6. Place of Use **a portion of the NE¼-NE¼ of Section 28, T.19 N., R.28 E., M.D.B.& M., a total of 1.54 acres.**
7. Use will begin about **JAN 1** and end about **DEC 31** of each year.
8. Description of proposed works **Drilled Well, Pump, Storage Tank & Distribution System**
9. Estimated cost of works **\$10,000**
10. Estimated time required to construct works **2 year**
11. Estimated time required to complete the application of water to beneficial use **4 years**
12. Remarks: **Application is for an existing drive-in restaurant with a consumptive rate not to**

exceed 1,500 G.P.D., or 547,500 gallons per year. Please see enclosed detail of consumptive use.

By s/Barry A. Fitzpatrick
Barry A. Fitzpatrick, S.W.R.S. #817
137 Keddle Street
Fallon, Nevada 89406

Compared sg/ cmf lb/ cmf _____

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.05 cubic feet per second, but not to exceed 0.5475 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 13, 2004

Proof of completion of work shall be filed on or before:

April 13, 2004

Water must be placed to beneficial use on or before:

March 13, 2005

Proof of the application of water to beneficial use shall be filed on or before:

April 13, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 13th day of March, A.D. 2003

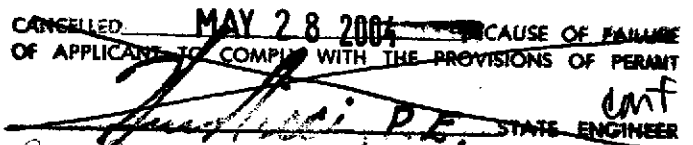

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

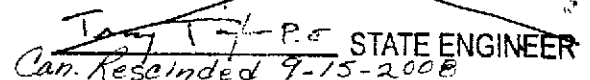
Cultural map filed N/A

Certificate No. _____ Issued _____

~~CANCELLED MAY 28 2004 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~
~~ STATE ENGINEER~~

Can. Rescinded 11-12-04

~~CANCELLED FEB 08 2008 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~

~~ STATE ENGINEER~~
Can. Rescinded 9-15-2008

**SUPPLEMENTAL INFORMATION FOR APPLICATION
TO APPROPRIATE WATER
ERNESTINE RICH (BOB'S ROOT BEER)**

Facility is Bob's Root Beer, an existing drive-in restaurant west of Fallon on Highway 50. The well currently in use is estimated to have been drilled in the early 1960's. Well permit information for the original well is not available. Additionally, due to the age of the water system, water meter data is not available.

Recent water analysis shows presence of trace amounts of coliform bacteria (most likely caused by close proximity of well and septic system). State Health has mandated that the owner either provide additional water treatment or relocate the well (preferred solution). Data regarding the estimated water consumption is shown below.

<u>BATHROOM FACILITIES</u>	
2 toilets, 2 lavatory sinks	500 GPD
<u>SWAMP COOLERS</u>	
	50 GPD
<u>KITCHEN</u>	
Food preparation	50 GPD
Cleaning	150 GPD
Drinks	150 GPD
Ice	50 GPD
Wash down of parking lot	450 GPD
Landscape irrigation	100 GPD
<u>TOTAL ESTIMATED WATER CONSUMPTION</u>	<u>1,500 GPD</u>